IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WA.No. 2660 of 2007

AGAINST THE JUDGEMENT IN WPC.32469/2007 Dated 01/11/2007
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APPELLANT/PETITIONER:

SARITHA GOPINADAN,
AGED 32 YEARS,
W/O ULLAS,
RESIDING AT KONNAVILAKAM HOUSE,
KULATHOOR P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUB REGISTRAR,
KAZHAKOOTTAM,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. M.P. SREEKRISHNAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M.JOSEPH, J.

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WRIT APPEAL No.2660 of 2007

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Dated this the 12th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ.

The learned Single Judge, while disposing of the writ petition has followed the dictum laid down by a Division Bench of this Court.

2. In our view, to maintain the judicial discipline and decorum, a Single Judge is expected to follow the law laid down by the Division Bench of this Court. That has been done in the present case. Therefore, we do not find any error in the order passed by the learned Single Judge, which would call for interference by this court.

3. However, learned counsel for the petitioner brings to our notice the observation made by a Division Bench of this Court in John Lukose v. District Registrar (2007(1) K.L.T. 247).

4. In our view, the said decision would not apply to the facts situation. The court in the said case, after taking into consideration the facts situation, has taken a sympathetic view and has directed the District Registrar to waive the notice period and to grant marriage certificate. That was only an exceptional case and the Court has not laid down any legal principle, which requires to be followed by yet another Division Bench or by learned Single Judge.

Therefore, we do not find any error in the impugned judgment, which would call for interference by this court. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

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